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BILL

TO

Authorize the Sale or Mortgage of the Eſtates of Perſons found Lunatic by Inquiſition, in *England* or *Ireland* reſpectively; and the granting of Leaſes of the ſame.

Note.—*The Figures in the Margin denote the Number of the Folios in the written Copy.*

1 WHEREAS it frequently happens, that Perſons ſeiſed and poſſeſſed of Freehold and Leaſehold Eſtates, by the Viſitation of God are lunatic and incapable of the Government of themſelves, their Manors, Meſſuages, Lands, Tenements, Goods, and Chattels, and are ſo found to be by due Proceſs of Law; and the Cuſtody of the Perſon, and the Care and Management of ſuch Lunatic's Eſtate, are committed to proper Perſons by the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, being reſpectively entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively: Preamble.

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And whereas in Caſes where ſuch Lunatic is indebted by Mortgage, Bond, or other Specialty, or by Simple Contract, no Sale of Freehold Eſtates can take place, notwithſtanding the ordinary Proceſs of the Law remains in force againſt the Perſon and Property of the ſaid Lunatic, whereby he may be thrown into Priſon, and the Rents and Profits of his Eſtates may be ſeiſed into the Hands of his Creditors ſo as to deprive him of all Support: 2

And whereas it may be greatly for the Benefit of ſuch Lunatic, that his ſaid Freehold and Leaſehold Eſtates ſhould be ſold or conveyed, under the Authority and Direction of the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, being entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively:

Authorizing Sale or Mortgage of Lunatic's Eſtates.

Be it Enacted by the KING's Moſt Excellent MAJESTY, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, being entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively, in all Caſes where it ſhall appear to be for the Benefit of ſuch Lunatics, to order ſuch Lunatic's Freehold and Leaſehold Eſtates to be ſold or mortgaged or conveyed, or in caſe of the Mortgagees or Incumbrancers not conſenting to join in a Sale, to order ſuch Eſtates to be ſold ſubject to ſuch Mortgages or Incumbrances, and the Monies ariſing from ſuch Sale to be applied in Payment of the Debts of ſuch Lunatic, and the Surplus, if any, to be applied for his Benefit, and to direct the Committee of the ſaid Lunatic's Eſtate, to execute a proper Conveyance or Conveyances of the ſaid Eſtates, and to execute any Reconveyance or Aſſignment where the Lunatic is Mortgagee, which Execution of the ſaid Conveyance or Conveyances of the ſaid Eſtate, or Reconveyance or Aſſignment of any Mortgage, under and by virtue of the ſaid Order, ſhall be as good and effectual in Law as if the ſame had been executed by the ſaid Lunatic in his ſound Mind. 3 4

Act not to prevent Mortgages

Provided alſo, and be it Enacted, That nothing in this Act contained ſhall extend, or be conſtrued to hinder or prevent any Mortgages,

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gages, Charges, or Liens, upon the Eſtate of ſuch Lunatic, or any Part thereof, to take place upon the Lands, Tenements, or Hereditaments comprized in or charged or affected by ſuch Mortgages, Charges, or Liens reſpectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgment, acknowledged by ſuch Lunatic before his Lunacy, or obtained againſt ſuch Lunatic before the iſſuing of a Writ *de Lunatico inquirendo*, or a Commiſſion in the Nature of ſuch Writ, to take place upon the Lands, Tenements, or Real Eſtate of ſuch Lunatic. taking place upon Lunatics Eſtates.

And be it further Enacted, That where any Inquiſitions ſhall have been taken upon any Statute or Recognizance, or any Writ or Execution ſhall have been taken out and delivered to the Sheriff or proper Officer upon any ſuch Judgment, before the iſſuing of ſuch Writ *de Lunatico inquirendo*, or Commiſſion in the Nature of ſuch Writ, the Perſonal Eſtate of every ſuch Lunatic ſhall be ſubject thereto, in the firſt place, for ſo much as ſhall remain due upon ſuch Statute, Recognizance, or Judgment, in like Manner as if the ſaid Party had not become Lunatic. Perſonal Eſtates of Lunatics to be liable in the firſt Place.

And whereas many Lunatics may be ſeiſed and poſſeſſed of Lands, Tenements, and Hereditaments, to hold to them for the Term of their natural Lives, with Power of granting Leaſes and taking Fines, reſerving ſmall Rents on ſuch Leaſes, for One, Two, or Three Lives in Poſſeſſion or Reverſion, or for ſome Number of Years determinable upon Lives; Be it Enacted, That in every ſuch Caſe all and every Power of leaſing ſuch Lands, Tenements, and Hereditaments, which is or ſhall be veſted in ſuch Lunatic, ſhall and may be executed by the Committee of the Eſtate of ſuch Lunatic, under the Direction and Order of the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, being entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively; and ſuch Leaſe or Leaſes ſo to be executed by the ſaid Committee, under and by virtue of ſuch Order, ſhall be as good and effectual in Law as if the ſame were executed by the ſaid Lunatic in his ſound Mind. Allowing Committees of Lunatics to grant Leaſes.

And whereas in certain Caſes Lunatics may be ſeiſed and poſſeſſed of Freehold and Leaſehold Eſtates, and it may not be deemed beneficial or neceſſary for ſuch Lunatics that the ſame ſhould be ſold, but it may be adviſable, for the true Intereſts of ſuch Lunatics, that Leaſes or Under Leaſes ſhould be made of ſuch Eſtates, and in Committees of Lunatics may grant Building Leaſes.

in ſome Caſes for a long Term of Years, to induce the Leſſees to rebuild or ſubſtantially repair the ſame; Be it Enacted, That it ſhall and may be lawful for the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively, to order and direct the Committee of the Eſtate of ſuch Lunatic to make ſuch Leaſes of the Freehold, Copyhold, or Leaſehold Eſtates of the ſaid Lunatic (conſiſtent with his or her Intereſt therein) for ſuch Term or Terms of Years, and ſubject to ſuch Rents and Covenants, as the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of the Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively, ſhall direct; and that ſuch Leaſe or Leaſes made by ſuch Committee, under and by virtue of the ſaid Order, ſhall be as good and valid in the Law as if the ſame had been executed by the ſaid Lunatic in his ſound Mind. 9

The Acts of Committee of Lunatics Eſtate rendered valid.

And be it further Enacted, That all and every Act to be done by ſuch Committee of the Eſtate of ſuch Lunatic, under and by virtue of this Act, and the Order of the Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal of the United Kingdom and of *Ireland* reſpectively, entruſted by virtue of the King's Sign Manual with the Care and Commitment of the Cuſtody of Perſons and Eſtates of Perſons found Lunatics by Inquiſition in *England* and *Ireland* reſpectively, ſhall be valid and binding againſt the ſaid Lunatic, and all Perſons claiming by, through, or under him, notwithſtanding the ſaid Lunatic ſhould, by the Bleſſing of God, be reſtored to his ſound Mind. 10

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Authorize the Sale or Mortgage of the Eſtates of Perſons found Lunatic by Inquiſition, in *England* or *Ireland* reſpectively; and the granting of Leaſes of the ſame.

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